01/09/2004 13:50 FAX 216 696 8731

# RECEIVED

AMIN, & TUROCY LLP. CENTRAL FAX CENTER

Ø001/003

JAN 0 9 2004

**PATENT** 

CERTIFICATE OF FACSIMILE I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being sent via facsimile transmission on the date shown below to (703) 872-9306; Mail Stop After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In repatent application of:

Applicant(s): Khoi A. Phan, et al.

John S. Ruggles

Serial No:

10/050,417

1756

Filing Date: January 16, 2002

Title:

METHODS AND SYSTEMS FOR CONTROLLING RESIST RESIDUE

DEFECTS AT GATE LAYER IN A SEMICONDUCTOR DEVICE

MANUFACTURING PROCESS

Mail Stop After Final Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

### TERMINAL DISCLAIMER

Dear Sir:

Attached herewith is a Terminal Disclaimer in connection with the subject patent application.

10/050,417

G0131

#### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP

John M. Ling

Reg. No. 51,216

AMIN & TUROCY, LLP 24<sup>TH</sup> Floor, National City Center 1900 E. 9<sup>TH</sup> Street Cleveland, Ohio 44114 Telephone (216) 696-8730 Facsimile (216) 696-8731

PTO/SB/26 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMS control number.

#### TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Number (Optional) REJECTION OVER A PRIOR PATENT G0131 (AMDP675US) In re Application of: Khoi Phan, et al. Application No.: 10/050,417 Filed: January 16, 2002 For: METHODS AND SYSTEMS FOR CONTROLLING RESIST RESIDUE DEFECTS AT GATE LAYER IN A SEMICONDUCTOR DEVI The owner\*, Advanced Micro Devices, INC. of percent interest in the instant application hereby 100 disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 8,649,525 . The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or agent of record. Himanshu S. Amin Typed or printed name <u>216-696-8730</u> Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) to be charged to Deposit Account No. 50-1063. WARNING: information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. \*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patern and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.